

## SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000  
FACSIMILE: 1-212-558-3588  
WWW.SULLCROM.COM

*125 Broad Street*  
*New York, New York 10004-2498*

LOS ANGELES • PALO ALTO • WASHINGTON, D.C.

BRUSSELS • FRANKFURT • LONDON • PARIS

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September 23, 2022

By ECF

The Honorable Hector Gonzalez  
United States District Court Judge  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Wildman v. Deutsche Bank Aktiengesellschaft, et al.*, No. 21 Civ.  
4400 (E.D.N.Y.) (HG) (RML) – Notice of Supplemental Authority

Dear Judge Gonzalez:

We write on behalf of our clients Standard Chartered Bank, Standard Chartered PLC and Standard Chartered Bank (Pakistan) Limited (together, the “Standard Chartered Defendants”), and all defendants pursuant to Section IV.B.4 of the Court’s Individual Practices to inform the Court of a recent decision relevant to defendants’ pending motions to dismiss the amended complaint in this action. In *Bernhardt, et. al. v. Islamic Republic of Iran, et. al.*, the United States Court of Appeals for the District of Columbia Circuit affirmed the dismissal of aiding and abetting claims brought under the ATA for lack of personal jurisdiction over the defendant bank (HSBC) and failure to state a plausible claim. 2022 WL 4074415, at \*6, \*11 (D.C. Cir. Sept. 6, 2022) (attached). The Standard Chartered Defendants and the Danske Bank defendants each cited the district court’s ruling in *Bernhardt* in support of their motions to dismiss. See ECF No. 54 at 27; ECF No. 44 at 23-25.

Notably, *Bernhardt* applied the Second Circuit’s framework in *Honickman v. BLOM Bank SAL*, 6 F.4th 487 (2d Cir. 2021), holding that the complaint failed to plead an ATA aiding and abetting claim where it lacked allegations that HSBC “had general awareness it was playing a role in *al-Qaeda*’s terrorist acts” even where HSBC had internal warnings that its customer had “links to terrorism.” *Bernhardt*, 2022 WL 4074415, at \*7-8. The D.C. Circuit also found that HSBC’s alleged facilitation of more than \$19 billion in transactions with Iranian banks and provision of nearly \$1 billion in currency sales to its customer with alleged ties to terrorism was insufficient to show substantial assistance, in part because the plaintiff “fail[ed] to allege how much (if any) of that money indirectly

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flowed to al-Qaeda.” *Id.* at \*10. Plaintiffs’ allegations here suffer from even greater deficiencies, as set forth in each defendant’s motion to dismiss.

Respectfully submitted,

/s/ Andrew J. Finn

Andrew J. Finn

(Attachment)

cc: All Counsel of Record (by ECF)